

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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TRUSTEES OF THE NATIONAL ELEVATOR	:	
INDUSTRY PENSION FUND, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 2:19-cv-03085-GJP
	:	
v.	:	
	:	
PERFORMANCE ELEVATOR	:	
CONTRACTORS, INC., <i>et al.</i>	:	
	:	
Defendants.	:	

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**FINAL JUDGMENT BY CONSENT**

It appearing from the records in the above entitled action that the Defendants Performance Elevator Contractors, Jennifer Bonilla, and Jason Bonilla, have agreed to the entry of judgment against them, and in favor of the Plaintiff, in the amount of \$126,150.19, plus additional relief; therefore, it is this 15<sup>th</sup> day of October, 2019 by the United States District Court for the Eastern District of Pennsylvania,

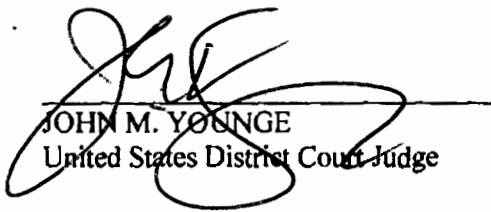
**ORDERED and ADJUDGED that:**

1. Pursuant to Federal Rule of Civil Procedure 58 and the Defendants' consent, final judgment shall be, and the same is, entered in favor of the Plaintiffs Trustees of the National Elevator Industry Pension Fund, National Elevator Industry Health Benefit Fund, National Elevator Industry Educational Fund, Elevator Constructors Work Preservation Fund, and Elevator Constructors Annuity and 401(k) Retirement Fund, against Defendants Performance Elevator Contractors, Jennifer Bonilla, and Jason Bonilla, jointly and severally, for the sum of \$126,150.19, with each party to bear its own costs and attorneys' fees, and
2. That Defendant Jason Bonilla, an owner and officer of Performance Elevator Contractors, acknowledges that he exercises discretionary authority and discretionary control


with respect to the management of the Benefit Plans' "plan assets," that he is a "fiduciary" with respect to the Benefit Plans' "plan assets" under the Employee Retirement Income Security Act ("ERISA), and that he is personally liable for the amounts due and owing to the Plaintiffs National Elevator Industry Benefit Funds, and

3. That Defendant Jennifer Bonilla, an owner and officer of Performance Elevator Contractors, acknowledges that she exercises discretionary authority and discretionary control with respect to the management of the Benefit Plans' "plan assets," that she is a "fiduciary" with respect to the Benefit Plans' "plan assets" under the Employee Retirement Income Security Act ("ERISA), and that she is personally liable for the amounts due and owing to the Plaintiffs National Elevator Industry Benefit Funds, and

**ORDERED** further that the Clerk of Court Close this case with all parties to bear their own costs and attorney's fees. This is a final order.

  
JOHN M. YOUNGE  
United States District Court Judge

AGREED AS TO FORM:

  
Owner/Principal of Performance Elevator  
Contractors, Inc.

AGREED AS TO FORM:

  
Jason Bonilla

AGREED AS TO FORM:

  
Jennifer Bonilla

AGREED AS TO FORM:

/s Andrew Kelser  
Andrew Kelser, on behalf of Plaintiffs